

Serial No.: 09/486,787
Art Unit: 2683
Page 8

REMARKS

This is a full and timely response to the outstanding Office Action mailed April 12, 2006. Upon entry of the amendments in this response claims 1-17 are pending. More specifically, claim 17 is added. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1-8 and 10-16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Coppinger* (U. S. Patent No. 6,026,292) in further view of *Nageli* (U.S. Patent No. 6,731,942). Claim 9 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Coppinger* (U. S. Patent No. 6,026,292). To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

II. Allowability of Claim 17

Applicant respectfully contends that claim 17 is certainly allowable. No reference or combination thereof discloses or suggests the present disclosure in its entirety. In other words, Applicant feels very certain that this embodiment of the disclosure is allowable over the cited references. Applicant submits that because of the uniqueness of the original claim elements, and especially those added through new claim 17, claim 17 is clearly distinguished from all prior references. It is respectfully requested that the Examiner give serious consideration to allowing claim 17 in particular.

III. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-5

The Office Action rejects claims 1-5 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Coppinger* (U. S. Patent No.

Serial No.: 09/486,787

Art Unit: 2683

Page 9

6,026,292) in further view of *Nageli* (U.S. Patent No. 6,731,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 recites:

1. A method for dispatching work orders and receiving status information concerning such orders via a communications network adapted to communicate short message service ("SMS") messages, the method comprising:

- coupling a communication device to a dispatch computer, wherein the communication device is adapted to send and receive messages in a SMS format, and wherein the message includes status-type information;
- formatting a dispatch order into at least one SMS message;
- reformatting the at least one SMS message into at least one Internet packet**; and
- forwarding the at least one Internet packet over the communications network to a selected communication device or a group of communication devices.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Shah*, *Coppinger*, and *Nageli* does not disclose, teach, or suggest at least **reformatting the at least one SMS message into at least one Internet packet**. Even if, arguendo, *Coppinger* teaches converting email messages to Internet email specifications, it fails to teach converting an SMS message into at least one Internet packet.

Converting from an email message using an email client protocol to an Internet protocol is trivial inasmuch as the structure of the messages, including the header information, the body, etc., are substantially similar. Conversely, to convert an SMS message into Internet packets is not trivial, *Coppinger* does not disclose such a conversion, and it is not obvious to modify the teachings of *Coppinger* to do so. No other cited reference cures this deficiency.

Serial No.: 09/486,787

Art Unit: 2683

Page 10

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

Because independent claim 1 is allowable over the cited references of record, dependent claims 2-5 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-5 contain all the steps/features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-5 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-5 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 2-5 are allowable.

B. Claims 6-8

The Office Action rejects claims 6-8 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Coppinger* (U. S. Patent No. 6,026,292) in further view of *Nageli* (U.S. Patent No. 6,731,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 6 recites:

6. A method for dispatching orders to service technicians remotely and receiving responsive information from such technicians concerning the orders via at least one wireless network adapted to transmit short messaging service ("SMS") messages to allow communication among a central processor and service technicians without making a wireless telephone call, the method comprising:

Serial No.: 09/486,787

Art Unit: 2683

Page 11

providing each service technician with a processor and a transceiver adapted to communicate via SMS messages;
periodically causing the central processor to formulate a short message to a selected service technician processor that provides that service technician a dispatch order, wherein the short message includes status-type information;
transmitting the message over the wireless network via a short messaging center coupled to a mobile switching center within the wireless network;
reformatting the message into at least one Internet packet; and
transmitting the message over an IP network.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 6 is allowable for at least the reason that the combination of *Shah*, *Coppinger*, and *Nageli* does not disclose, teach, or suggest at least ***reformatting the message into at least one Internet packet***. Even if, *arguendo*, *Coppinger* teaches converting email messages to Internet email specifications, it fails to teach converting an SMS message into at least one Internet packet.

Converting from an email message using an email client protocol to an Internet protocol is trivial inasmuch as the structure of the messages, including the header information, the body, etc., are substantially similar. Conversely, to convert an SMS message into Internet packets is not trivial, *Coppinger* does not disclose such a conversion, and it is not obvious to modify the teachings of *Coppinger* to do so. No other cited reference cures this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 6, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 6 is allowable.

Serial No.: 09/486,787

Art Unit: 2683

Page 12

Because independent claim 6 is allowable over the cited references of record, dependent claims 7 and 8 (which depend from independent claim 6) are allowable as a matter of law for at least the reason that dependent claims 7 and 8 contain all the steps/features of independent claim 6. Therefore, the rejection to claims 7 and 8 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 6, dependent claims 7 and 8 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 7 and 8 are allowable.

C. Claims 9-16

The Office Action rejects claims 9-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Coppinger* (U. S. Patent No. 6,026,292) in further view of *Nageli* (U.S. Patent No. 6,731,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 9 recites:

9. A method for managing dispatch applications in order to deliver messages from or to each of multiple service technicians deployed over a geographically-dispersed area, the method comprising:

formulating at a central processor a message to at least one of the service technicians for wireless transmission according to a preselected format, wherein the message includes status-type information;
transmitting the message to a network element for identifying that message;
reformatting the message to an Internet protocol; and
transferring the message from the network element to a communication device associated with the selected service technician, wherein the communication device is adapted to cause the message to be displayed to the service technician and is capable of forwarding from the service technician a reply message concerning the status of a dispatch order.

Serial No.: 09/486,787

Art Unit: 2683

Page 13

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 9 is allowable for at least the reason that the combination of *Shah*, *Coppinger*, and *Nageli* does not disclose, teach, or suggest at least **reformatting the message to an Internet protocol**. Even if, arguendo, *Coppinger* teaches converting email messages to Internet email specifications, it fails to teach converting an SMS message into at least one Internet packet.

Converting from an email message using an email client protocol to an Internet protocol is trivial inasmuch as the structure of the messages, including the header information, the body, etc., are substantially similar. Conversely, to convert an SMS message into Internet packets is not trivial, *Coppinger* does not disclose such a conversion, and it is not obvious to modify the teachings of *Coppinger* to do so. No other cited reference cures this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 9, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 9 is allowable.

Because independent claim 9 is allowable over the cited references of record, dependent claims 10-16 (which depend from independent claim 9) are allowable as a matter of law for at least the reason that dependent claims 10-16 contain all the steps/features of independent claim 9. Therefore, the rejection to claims 10-16 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 9, dependent claims 10-16 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 10-16 are allowable.

Serial No.: 09/486,787

Art Unit: 2683

Page 14

IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Serial No.: 09/486,787

Art Unit: 2683

Page 15

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-17 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Benjamin A. Balser, Reg. No. 58,169

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

Customer No.: 38823